



SELECT BOARD

Meeting Minutes

Monday, July 12, 2021

7:00 PM

Town Hall Room 204 with In-Person and Virtual Public Participation

Present: Dean Charter, David Martin, Fran Arsenault, Himaja Nagireddy, and Town Manager John S. Mangiaratti

Absent: None

Remote Participation: Jim Snyder-Grant

Mr. Charter called the meeting to order at 7:00 PM. It was noted that Mr. Snyder-Grant was attending remotely, with a quorum of members physically present.

I. Regular Business

1. Citizen Concerns

Terra – preferred not to give full name or address since the meeting is being broadcast over a corporate network. She cited this as a constitutional concern and further requests that Citizen Concerns be re-named to Resident Concerns.

Clare Siska, 14 Stow Street – Expressed gratitude regarding Town Meeting passing the article that included funding for a Dog Park.

Charlie Kadlec, Paul Revere Road – Asked to comment on Agenda Item 7 .

Danny Factor, 11 Davis Road – requested allowing public comment into the upcoming Goal Setting meeting.

Alissa Nicol, 76 School Street – requested to comment on Agenda Item 11.

Erika Chin, 14 Heald Road – asked to comment on Agenda Item 7.

2. Chair Update/Town Manager Update/Members Minutes

Mr. Charter announced the passing of retired Captain Carl Robinson of the Acton Fire Department. Services will be July 14, 2021 at the Acton Funeral Home.

Mr. Mangiaratti thanked Mark Hald, Matt Frost and the Information Technology staff for their hard work during the pandemic including setting up this first hybrid physical/virtual meeting. He thanked Andrea Ristine, Public Facilities

Superintendent, and her team for overseeing renovations and construction of a fully-accessible bathroom in Room 204 while the building was closed to the public, hiring an expert plasterer to repair the walls, and re-painting the room, and resident Peter Darlow for selecting historical paint colors. Town staff have been monitoring the River Street Dam and have included an expert from the State. They are continually monitoring the water levels with a plan in place if needed. The MassDOT is closing two lanes on Route 2 this weekend to add a steel beam to the Bruce Freeman Rail Trail bridge. The 9/11 memorial event will be on a Saturday and will honor the 20th anniversary. The Board approved an agreement with Concord for a Regional Communication Center and was recently awarded \$900,000 in State grant funds.



Mr. Martin announced that weekend train services are back for July. State Representative Tami Gouveia is running for Lieutenant Governor, and former Town staff member Vivian Birchall is running for State Representative. Mr. Snyder-Grant welcomed the two new Board members.

II. Public Hearings

3. 7:10 PM Multiple Transactions for a Section 15 Beer and Wine License, Donelan's Supermarket
Representing the applicant is Attorney Alex Parra. Applicant is requesting multiple transactions, as a result of a stock purchase agreement. **Mr. Martin moved to approve the multiple transactions for a section 15 beer and wine license at Donelan's Supermarket, seconded by Ms. Arsenault. Mr. Martin called roll: (all ayes – Ms. Nagireddy, Ms. Arsenault, Mr. Snyder-Grant, Mr. Charter, Mr. Martin)**

III. New/Special Business

4. Reorganization of the Board

Mr Charter noted that the last set of officers was Mr. Benson as Chair, Mr. Charter as Vice Chair and Mr. Martin as Clerk.

Ms. Arsenault moved to nominate Mr. Martin as Chair, seconded by Ms. Nagireddy.

Points of discussion:

Ms. Arsenault acknowledged the tradition of having the previous Vice-Chair become Chair. She stated her preference that Mr. Martin become Chair because of his focus and experience with diversity and inclusion issues. Mr. Snyder-Grant noted his experience that Mr. Charter had been listening, learning and growing with these issues, and that he would make a fine chair. Mr. Martin noted his disappointment with Mr. Charter's actions with respect to responding to attacks from the previous Chair on members of the public. Ms. Nagireddy also expressed her sense that the priority work for the Board in the next year needed to focus on inclusion, and that having Mr. Martin as chair would best support that. All members of the Board expressed confidence in the positive intentions and skills of both Mr. Martin and Mr. Charter.

Comments from the audience included support for Mr. Charter as Chair, citing his long experience with the Town and his time on the Acton Leadership Group; and support for Mr. Martin expressing the priority of having skilled attention paid to diversity and inclusion issues.

Mr. Martin called roll: (Ms. Nagireddy – aye, Ms. Arsenault – aye, Mr. Snyder-Grant – nay, Mr. Charter – nay, Mr. Martin – aye) The motion carried.

A comment from the audience inquired about what communication about officer positions had taken place between Board members, in case there were any Open



Meeting Law issues with a quorum of the Board (three or more members) discussing issues that were going to be a matter of decision by the Board. Each Board member spoke to this question. There had been no communication about the choice of officers between Board members. There had been one communication between Ms. Arsenault and Mr. Snyder-Grant before Ms. Arsenault was sworn in, in which Ms. Arsenault indicated that she was considering nominating Mr. Martin. There had been communications between Ms. Nagireddy and Mr. Martin, and then between Ms. Nagireddy and Mr. Snyder-Grant about the process of electing officers, but not about who would be elected, as part of the process of updating new Board members on the workings of the Board.

Mr. Charter nominates Mr. Snyder-Grant as Vice-Chair, seconded by Ms. Arsenault.

Mr. Snyder-Grant said he was honored by the nomination, but that he would prefer that Dean be Vice Chair, and he would prefer to be Clerk.

Mr. Martin called roll: (Ms. Nagireddy – nay, Ms. Arsenault – aye, Mr. Snyder-Grant – abstain, Mr. Charter – nay, Mr. Martin – nay). The motion failed.

Mr. Martin nominated Mr. Charter as Vice-Chair, seconded by Ms. Arsenault.
Mr. Martin called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Snyder-Grant, Mr. Charter, Mr. Martin)

Mr. Martin nominated Mr. Snyder-Grant as Clerk, seconded by Ms. Nagireddy.
Mr. Martin called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Snyder-Grant, Mr. Charter, Mr. Martin)

5. Board and Committee Liaison Assignments

Board members discussed and agreed by consensus the committee liaison assignments for 2021-2022. There were no formal votes.

6. Discuss Virtual Participation in Public Meetings

Mr. Martin noted that members of boards and committees may meet either all in-person or all-remote since the end of the state of emergency and subsequent legislation. Committees may also decide if they want to continue to allow remote (virtual) public participation. Mr. Mangiaratti was looking for direction from the Board to allow hybrid meetings pending approval from the Board for requests to hold virtual public participation, to ensure that town staff is available if needed to moderate the virtual portion. The Planning Board and the Historic District Commission have requested to hold hybrid meetings. **Mr. Charter moved to allow the Planning Board and Historic District Commission to meet with remote public participation, seconded by Ms. Arsenault. Mr. Snyder-Grant called roll:**



(all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)

7. Discuss Incident at Annual Town Meeting

Mr. Martin discussed an incident at the Annual Town Meeting on June 21, 2021 where a member of the audience made a racist remark regarding Chinese residents in town. Other Board members commented regarding the incident as well, and had a general consensus to propose a clear statement addressing the incident and having a protocol or policy in place following any future incidents. Ms. Arsenault read from a letter submitted to the Select Board and Diversity, Equity & Inclusion Commission from Erika Chin dated July 11, 2021 requesting each board develop protocols to address any racial or hate incidents. Members of the public made several comments requesting to not make the incident an issue, recognizing that it was due to a mental health issue; a request for the Board to be required to take Active Bystander training; a request for the Board to respond to incidents of hate immediately. Mr. Martin read from a statement; “The Select Board values all Acton's residents. Any type of hurtful speech or action, targeting anyone for who they are, is unacceptable here, including racism, antisemitism, ethnic slurs, homo- or trans-phobia, ableism, etc. Respect for everyone is expected in all interactions in our community.”

Mr. Charter moved to adopt the statement, seconded by Ms. Arsenault. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)

Mr. Martin suggested the Town Manager may be able to respond more quickly on behalf of the Board with any future incidents. Mr. Mangiaratti commented preferring to respond to incidents on a case-by-case basis, and would prefer, calling for an emergency meeting if needed, and to consult with the Chair first before responding with a statement on behalf of the Board. Mr. Snyder-Grant wrote and then read a draft statement, and board members suggested edits. The final statement read as follows: “An unacceptable statement targeting our Chinese American neighbors was made at our recent Town Meeting. The Board affirms that we do not accept or tolerate these types of racially-targeted statements in our civic spaces. We express our support and solidarity, and we apologize on behalf of the Town for the harm done to our Chinese friends and neighbors.” **Mr. Snyder-Grant moved to adopt the statement, seconded by Mr. Charter. Mr. Snyder-Grant called roll: (all ayes; Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)**

8. Establish a Date and Process for Annual Goal Setting Workshop

Mr. Charter noted the Board's annual Goal Setting meeting had been tentatively set for July 21, 2021 at 6:00 PM in the Public Safety Facility Chiefs' Conference Room. This is traditionally a workshop that does not allow for public comment during the meeting, however can be attended by the public.

Discussion points included a request for time at a meeting prior to the goal setting to allow for public comment and to hear from the Manager on the state of last year's



goals. Further discussion noted that that would place the goal setting meeting in August, much later than normal, putting pressure on the ability of the budget process to be fully responsive to the new goals. Additional discussion included the availability of all Board members and the Manager for various possible dates. No vote was taken, and the timing will be decided by the Manager and the Chair and announced as soon as possible.

9. Request to Raise Flag to Commemorate India's Independence Day on Sunday, August 1, 2021

The Board referenced requirements set last year in this regard, that it be for one day and flown in lieu of the Commonwealth's flag in front of Town Hall.

Ms. Arsenault moved to raise the flag to commemorate India's Independence Day on Sunday, August 1, 2021, seconded by Ms. Nagireddy. Mr. Snyder-Grant called roll: (all ayes; Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)

A formal proclamation was read aloud, designating August 15, 2021 as "India Day."

Ms. Nagireddy moved and Ms. Arsenault seconded adopting the proclamation. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)

10. Board to Vote to Petition General Court for Home Rule Petition Article 14 from Annual Town Meeting, June 21, 2021

Mr. Snyder-Grant moved that the Board request the General Court adopt legislation on behalf of the Town in accordance with, and in the form approved by, Article 14 of the 2021 Acton Annual Town Meeting, concerning building with clean energy to regulate fossil fuel infrastructure, seconded by Ms. Arsenault. Mr. Snyder-Grant called roll: (all ayes; Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)

11. Discuss Open Meeting Law Complaint of July 6, 2021 and Delegate Response

An Open Meeting Law complaint was filed on July 6, 2021 from Mr. Ballard alleging incomplete minutes from May 3, 2021 with an omitted document regarding a statement that was read by the Diversity, Equity & Inclusion Commission under the Documents and Exhibits Used list. **Mr. Charter moved to have Lisa Tomyl revise amended minutes for the Board's May 3, 2021 meeting to include the DEIC statement in the list of documents used in the meeting, seconded by Ms. Nagireddy. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)**

Mr. Charter moved to request that Town Counsel and the Town Manager otherwise respond to Mr. Ballard's Open Meeting Law Complaint by informing



him and the Attorney General's Office that the Board reviewed the Complaint, has voted to revise the May 3 minutes to include the DEIC statement in the list of "documents and exhibits used," and believes that the other minutes properly follow the Open Meeting Law and will take no action on those; Ms. Arsenault seconded. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)

The Board heard comment from members of the public that feel that the minutes do not reflect the comments that occurred during the listed minutes in the Open Meeting Law complaint and requested further amendments be applied to those minutes. Mr. Martin suggested that he and Mr. Snyder-Grant review the minutes at a later date.

12. Discuss and Approve the Regional Housing Services Office Amended Agreement for Fiscal Year 2022

Liz Rust from the RHO presented a brief overview of the operation of the RHO for the new Members.

The Board took public comment regarding questioning and considering a regional approach to rehabbing current buildings and if there are any plans for a regional homeless shelter and establishing a regional housing rehab trust, and 40B audits.

Ms. Arsenault moved to approve the amended agreement with the Regional Housing Services office. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant). There was no formal second, but the unanimous vote indicates the Board's interest in discussing and deciding on this matter.

13. Approve the Agricultural Preservation Restriction at Stonefield Farm

Christa Collins from the Sudbury Valley Trustees updated the Board regarding the Agricultural Preservation Restriction for Stonefield Farm. The Agricultural Preservation Restriction has approval by all parties including the Massachusetts Department of Agricultural Resources and requires signatures from the Select Board, the Boston Area Gleaners, and the Agricultural Commission. The closing date is July 30, 2021. **Ms. Arsenault moved to approve the Agricultural Preservation Restriction, seconded by Mr. Charter. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)**

14. Approve Mass Joinder Agreement for 446 Massachusetts Avenue

Liz Rust from the RHO updated the Board on what the MassDocs Joinder Agreement would mean for the Town. The Joinder agreement would allow the Town to be eligible for tax credits and also as a standard lender, as well as having access to the MassDocs legal counsel that prepare all the legal documents.

Mr. Snyder-Grant moved to approve the Mass Joinder Agreement, seconded by Ms. Nagireddy. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)



15. Announce Receipt of Public Health Excellence Grant Establishing the Middlesex County Regional Collaborative and Authorize Signing of the Municipal Statement of Commitment

Mr. Mangiaratti updated the Board on the recent project with Westford, Lowell, and Dracut and will be hiring a Regional Community Health and Wellness Coordinator through Westford which will support the four communities over the next three years. Mr. Mangiaratti requests the Board to approve the project.

Ms. Nagireddy moved to support the project, Mr. Snyder-Grant seconded. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)

IV. Consent Items

Mr. Charter held consent item 25. **Mr. Charter moved to approve consent items 16-24, inclusive, and 26-29, inclusive, seconded by Ms. Arsenault. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)**

Regarding Consent Item 25, **Mr. Charter moved to approve with the term expiration date updated to 2024, seconded by Ms. Arsenault. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant)**

Ms. Arsenault moved to adjourn, seconded by Ms. Nagireddy. Mr. Snyder-Grant called roll: (all ayes: Ms. Nagireddy, Ms. Arsenault, Mr. Charter, Mr. Martin, Mr. Snyder-Grant). The meeting adjourned at 10:50 PM.

Documents and Exhibits Used During this Meeting

- Agenda, July 12, 2021
- Alcoholic Beverage Control Commission Application from Donelan's Supermarket, Inc.
- 2020-2021 Boards and Committees Liaison Assignments
- Letter and Email from Erika Chin Dated July 11, 2021
- Transcript from Statement from John Covert at Annual Town Meeting
- Request to Raise Flag to Commemorate India's Independence Day
- Formal proclamation designating August 15, 2021 as "India Day."
- Home Rule Petition, Article 14
- Open Meeting Law Complaint, July 6, 2021
- Regional Housing Services Office Intermunicipal Agreement Amendment
- Regional Housing Services Office Presentation
- Stonefield Farm Agricultural Restriction Agreement
- Email from John Mangiaratti Dated July 21, 2021 Regarding 446 Mass Ave; Joining MassDocs
- Municipality Statement of Commitment



- Meeting Minutes, June 21, 2021
- Request for Use of Roads for Ride to Defeat ALS
- Accept Gift Memo from Recreation Department Dated June 24, 2021 for \$25 from Ray and Susan Hunt
- Accept Gift Memo from Recreation Department Dated June 25, 2021 for \$150 from Anne Anderson and Alla Bogdanova
- Accept Gift Memo from Recreation Department Dated June 22, 2021 for \$3000 from Pro-Tech
- Accept Gift Memo from Recreation Department Dated June 7, 2021 for \$1500 from Emerson Hospital
- Accept Gift Memo from Recreation Department Dated June 7, 2021 for \$1500 from Sechrest and Bloom
- Accept Gift Memo from Recreation Department Dated June 28, 2021 for \$75 from Karolyn Kingman and Mai Nguyen
- Accept Gift Memo from Recreation Department Dated June 25, 2021 for \$15,500 from Stamski and McNary
- Email from Dean Charter Dated June 14, 2021 Requesting a Committee Appointment for Jeff Bergart
- Email from David Martin Dated June 4, 2021 Requesting a Committee Appointment for Alissa Nicol
- One Day Alcoholic Beverage Application from Middlesex West Chamber of Commerce
- One Day Alcoholic Beverage Application from Linda Vieira
- Request to Dispose of Obsolete Items, West Acton Citizens Library